



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUN 10 2013**

Joseph V. Cassidy, P.E.  
Director of Technical Services  
Department of Construction Services  
165 Capitol Avenue, Room 275  
Hartford, Connecticut 06106

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)  
and § 761.79(h)  
Emmett O'Brien Technical High School  
Ansonia, Connecticut

Dear Mr. Cassidy:

This is in response to the Connecticut Department of Construction Services (CTDCS) Notification<sup>1</sup> for approval to clean up and dispose of PCB-contaminated building materials located in the building known as the Emmett O'Brien Technical High School (the Site) located at 141 Prindle Avenue, Ansonia, Connecticut. The Site contains PCB caulk and glazing that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a) and § 761.62.

In its Notification, CTDCS has proposed the following PCB cleanup and disposal plan:

- Remove greater than or equal to ( $\geq$ ) 50 ppm PCB caulk and glazing and *non-porous surfaces* (i.e., metal window systems, door frames, and vent systems) in direct contact with caulk for disposal as *PCB bulk product waste*
- Remove the following *porous surfaces* (i.e., brick, concrete block/concrete, and granite panels) in contact with  $\geq$  50 ppm PCB caulk and dispose of as a  $\geq$  50 ppm waste:
  - Doors/windows and vents - On the exterior, remove 6 inches of adjacent *porous surfaces* (i.e., brick). On the interior, remove 6 inches of *porous surfaces* (i.e., concrete block and granite paneling)

<sup>1</sup> Information was submitted by Fuss & O'Neill on behalf of the CTDCS to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated November, 2011 (Self-Implementing On-Site Cleanup Plan (SIDP)); July 27, 2012 (Response to EPA Comments); January 15, 2013 (Response to question concerning reinterpretation); March 19, 2013 (Response to question-interior column caulking); April 10, 2013 (Clarification of sampling); June 4, 2013 (Lab report for room 113 sample); and June 6, 2013 (email response to sampling question). These submittals shall be referred to as the "Notification".

- Building expansion joints- On the exterior, remove 12 inches of *porous surface* (i.e., brick) on either side of the caulk joint in the original building. On the interior, remove 12 inches of concrete block in the main corridor and 18 inches of brick on either side of the caulk in the cafeteria
- Columns – On the exterior, remove 6 inches of *porous surfaces* (i.e., brick) from both sides of the painted column. On the interior, remove 18 inches of *porous surfaces* (i.e., concrete block) on both sides of column
- Remove bulk *PCB remediation waste* (i.e., soils) to a distance of 5 feet from the foundation exterior to the Cafeteria/Kitchen to a depth of 1 foot, exterior to the Girl's locker room to a depth of 2 feet, and exterior to the Carpentry Shop to a depth of 2 feet, as described in the Notification
- Dispose of all PCB waste  $\geq 50$  ppm in a TSCA approved or RCRA hazardous waste landfill
- Decontaminate *non-porous surfaces* (i.e., steel lintels and painted columns) to the NACE 2 standard. If the NACE 2 standard cannot be achieved, conduct verification sampling to document that the PCB cleanup standard of  $\leq 10 \mu\text{g}/100 \text{ cm}^2$  has been met
- Conduct verification sampling of *porous surfaces* to document that the PCB cleanup standard of  $\leq 1$  ppm has been met

CTDCS has determined that certain glazing sealants and caulk, which have PCB concentrations at less than ( $<$ ) 50 ppm are *Excluded PCB Products*. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement to remove these building materials or to decontaminate surfaces that are in contact with these building materials. However, as indicated in the Notification, these materials will be removed and disposed of under the Connecticut Department of Energy and Environmental Protection (CT DEEP) Regulations.

As discussed with EPA, CTDCS is aware of the October 24, 2012 PCB Bulk Product Waste Reinterpretation. For this project, CTDCS has made the determination that the *porous surfaces* will be classified as *PCB remediation waste*, with disposal in a TSCA-approved disposal facility or RCRA hazardous waste landfill.

With exception of the verification sampling requirement, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61, 761.62, and 761.79(h) for cleanup and disposal of *PCB bulk product wastes* and *PCB remediation wastes*. Further, the proposed decontamination and disposal activities are consistent with the requirements and standards established under § 761.61(a), § 761.62, § 761.79 for similar types of PCB-contaminated materials.

Based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach for *porous* and *non-porous surfaces*, EPA has determined that the proposed verification sampling frequencies for the *porous* and *non-porous surfaces* are adequate to confirm that PCB cleanup standards of  $\leq 1$  ppm and  $\leq 10 \mu\text{g}/100 \text{ cm}^2$  have been met. EPA finds that the alternative sampling frequency will not create an unreasonable risk to public health or the environment and EPA may approve the alternative sampling under § 761.61(c).

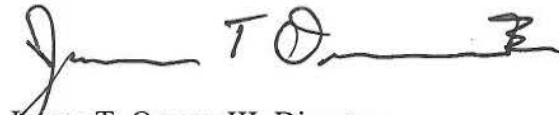
CTDCS may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

As in the past, EPA understands that there will be public outreach efforts to teachers, parents, students and staff prior to initiating and during the work proposed in the Notification.

This Approval does not release CTDCS or Connecticut Department of Education (CT DOE) from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the CT DEEP regulations.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director  
Office of Site Remediation & Restoration

cc: R. Cutler, CTDCS  
Principal L. LeBouthillier, Emmett O'Brien  
K. McCarthy, Fuss & O'Neill  
B. Toal, CT DPH  
G. Trombly, CT DEEP  
J. Woodmansee, CT DOE  
File

Attachment 1: Approval Conditions



## ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
EMMETT O'BRIEN TECHNICAL HIGH SCHOOL ("the Site")  
141 PRINDLE AVENUE, ANSONIA, CONNECTICUT**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification <sup>(1)</sup>.
2. The Connecticut Department of Construction Services (CTDCS) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. CTDCS must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, CTDCS shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. CTDCS is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time CTDCS has or receives information indicating that CTDCS or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by CTDCS are authorized to conduct the activities set forth in the Notification. CTDCS is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

<sup>1</sup> Information was submitted by Fuss & O'Neill on behalf of the CTDCS to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated November, 2011 (Self-Implementing On-Site Cleanup Plan (SIDP)); July 27, 2012 (Response to EPA Comments); January 15, 2013 (Response to question concerning reinterpretation); March 19, 2013 (Response to question-interior column caulking); April 10, 2013 (Clarification of sampling); June 4, 2013 (Lab report for room 113 sample); and June 6, 2013 (email response to sampling question). These submittals shall be referred to as the "Notification".

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release CTDCS from compliance with any applicable requirements of federal, state or local law; or 3) release CTDCS from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from CTDCS of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. CTDCS shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
  - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

### **REMEDIAL AND DISPOSAL CONDITIONS**

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
  - a. All visible residues of PCB-contaminated caulk and glazing (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.



- b. The cleanup standard for bulk *PCB remediation waste* (i.e., soil) shall be less than or equal to ( $\leq$ ) 1 part per million (ppm). Verification samples shall be collected on a bulk basis (e.g., mg/kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
- c. Sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/Kg) and reported on a dry weight analysis.
  - i) Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and at a minimum frequency of 1 sample every 50 linear feet (lf) or 1 sample per opening if the opening is less than ( $<$ ) 50 lf, except for *porous surfaces* (i.e., concrete block/brick at the interior columns and interior expansion joints) which shall comply with Subpart O
  - ii) In the event any verification sample is greater than ( $>$ ) 1 ppm, CTDCS shall contact EPA to determine the appropriate verification sampling frequency for the remaining *porous surfaces*
- d. The decontamination standard for *non-porous surfaces* (e.g., steel lintels and painted columns) shall be the NACE No. 2 visual standard as required under § 761.79(b)(3)(i)(B). In the event the NACE No. 2 visual standard cannot be achieved, the following alternative decontamination shall apply:
  - i) Post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.,  $\mu\text{g}/100\text{ cm}^2$ ) at a frequency of 1 sample per 30 lf or one sample per item, whichever is greater.
  - ii) In the event decontaminated *non-porous surfaces* have PCB concentrations at greater than ( $>$ )  $10\text{ }\mu\text{g}/100\text{ cm}^2$  PCBs, CTDCS may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes in accordance with 40 CFR Part 761.
- e. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.

14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

15. CTDCS shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by CTDCS to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.



**RECORDKEEPING AND REPORTING CONDITIONS**

19. CTDCS shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by CTDCS in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. CTDCS shall submit a final report, in electronic and hard copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photographic log; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer.
21. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**